

AUSA John R. Hauser (312) 353-8728

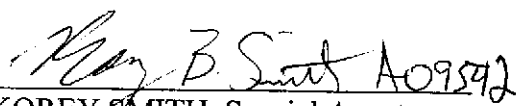
**UNITED STATES DISTRICT COURT  
FOR THE****NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION****MAGISTRATE JUDGE COLE****AFFIDAVIT OF COMPLAINT (OR INDICTMENT) IN REMOVAL PROCEEDINGS**UNITED STATES OF AMERICA )  
NORTHERN DISTRICT OF ILLINOIS )

CASE NUMBER

**08CR 631**

The undersigned Affiant personally appeared before Jeffrey Cole, a United States Magistrate Judge, and being duly sworn on oath, states: That at Tallahassee, Florida (U.S. District Court for the Northern District of Florida), on or about August 5, 2008, one LUTHER RILEY was charged with violations of 18 United States Code, Sections 1349 and 1344 (Attempt or Conspiracy to Commit Wire Fraud and Bank Fraud, and Bank Fraud) and that on the basis of Affiant's investigation and information received concerning the case through official channels, does hereby certify that an Arrest Warrant is outstanding for the arrest of said defendant (attached hereto).

Wherefore, Affiant prays that the defendant be dealt with according to law.

**FILED**8-9-08  
AUG 09 2008**MAGISTRATE JUDGE JEFFREY COLE  
UNITED STATES DISTRICT COURT**  
KOREY SMITH, Special Agent  
United States Secret Service

Subscribed and Sworn to before me this  
9th day of August, 2008.

  
Jeffrey Cole  
United States Magistrate Judge

Bond set [or recommended] by issuing Court at \_\_\_\_\_ (no bond) \_\_\_\_\_

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**08CR****631**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA

VS

CASE NO. 4:08cr40-RH

LUTHER RILEY

**WARRANT FOR ARREST**

TO: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest LUTHER RILEY

Name

and bring him or her forthwith to the nearest magistrate to answer an

**Indictment**

charging him or her with:

Conspiracy to commit offenses against the United States of America; Did execute and attempt to execute a scheme to defraud and to obtain money, funds, credits and other property owned by and under the custody and control of federally-insured financial institutions

in violation of Title 18 United States Code, Section(s) 1343, 1344 and 2

William M. McCool

Name of Issuing Officer

Clerk of Court

Title of Issuing Officer

Angela Maxwell  
Deputy Clerk: Angela Maxwell

August 5, 2008 Tallahassee

Date and Location

Bail fixed at \$ Bail Reform Act

and/or in accordance with Comprehensive Crime  
Control Act of 1984.

by William C. Sherrill, Jr.

Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

**08CR****631**

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

**INDICTMENT**

HASSAN KAMAL RENCHER,  
DARYL LEE ANDERSON,  
GERALD WILLIAMS,  
and  
LUTHER RILEY

4:08cr40-24

**THE GRAND JURY CHARGES:**

**COUNT ONE**

**A. Introduction**

That at all times material to this Indictment:

1. Envision Credit Union ("Envision") was a financial institution, the deposits of which were insured by the National Credit Union Administration (NCUA).
2. Peoples First Bank ("Peoples") was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (FDIC).
3. Bank of America ("BOA") was a financial institution, the deposits of which were insured by the FDIC.
4. Capital City Bank ("CCB") was a financial institution, the deposits of which were insured by the FDIC.

U.S. SECRET SERVICE  
TALLAHASSEE FL  
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U.S. DISTRICT CT.  
NORTHERN DIST. FLA.  
TALLAHASSEE, FLA.

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*am*  
**FILED**

5. SunTrust Bank ("SunTrust") was a financial institution, the deposits of which were insured by the FDIC.

6. First Credit Union of Gainesville ("First Credit") was a financial institution, the deposits of which were insured by the NCUA

7. Mercantile Bank ("Mercantile") was a financial institution, the deposits of which were insured by the FDIC.

8. Ironstone Bank ("Ironstone") was a financial institution, the deposits of which were insured by the FDIC.

9. Marshall & Ilsley Bank ("M & I") was a financial institution, the deposits of which were insured by the FDIC.

10. Fidelity Bank ("Fidelity") was a financial institution, the deposits of which were insured by the FDIC.

11. Wachovia Bank ("Wachovia") was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (FDIC).

12. Hancock Bank ("Hancock") was a financial institution, the deposits of which were insured by the FDIC.

13. Florida Capital Bank ("Florida Bank") was a financial institution, the deposits of which were insured by the FDIC.

14. Tampa Bay Federal Credit Union ("TBCU") was a financial institution, the deposits of which were insured by the NCUA.

15. Colonial Bank ("Colonial") was a financial institution, the deposits of which were insured by the FDIC.

16. Riverside Bank ("Riverside") was a financial institution, the deposits of which were insured by the FDIC.

**B. The Offense**

Between on or about October 12, 2007, and on or about February 8, 2008, in the Northern District of Florida, and elsewhere, the defendants,

**HASSAN KAMAL RENCHER,  
DARYL LEE ANDERSON,  
GERALD WILLIAMS,  
and  
LUTHER RILEY,**

did knowingly and willfully combine, conspire, confederate and agree with each other and with other persons, both known and unknown to the Grand Jury, to commit offenses against the United States of America, that is,

a. to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud and to obtain money, funds, credits and other property owned by and under the custody and control of federally-insured financial institutions, by means of materially false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344; and

b. to knowingly and willfully devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises by transmitting and causing to be transmitted by wire in interstate commerce some communication for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

C. Manner and Means

1. It was a part of the conspiracy that the conspirators would and did obtain prepaid, also known as "stored value," debit cards that required the debit card holder to add money to the debit cards so that the cards could be used to obtain cash advances or to purchase items or services.

2. It was further part of the conspiracy that the conspirators would and did present allegedly prepaid debit cards that had no money balance on the cards to employees at federally insured institutions and to employees of various businesses to obtain cash advances or to purchase items or services from the businesses.

3. It was further part of the conspiracy that once the debit cards had been electronically declined due to insufficiency of funds on the cards, the conspirators would either direct the representatives of the financial institutions and businesses to telephone a toll-free telephone number to discuss the declination of the card or the conspirators would themselves place the call directly to a toll-free telephone number and transfer the call to the representative for discussion of the declination of the card. During these calls, the conspirators would falsely represent to the financial institution or business representatives that the toll-free telephone number was the customer service number for the debit card company, whereas, in truth, it was actually a telephone number maintained and operated by the conspirators.

4. It was further part of the conspiracy that the conspirators caused all calls placed to the toll-free telephone numbers to be routed outside the State of Florida via interstate

telecommunications equipment and to cause the calls to be switched to a cellular telephone number located in the State of California belonging to the conspirators.

5. It was further part of the conspiracy that the conspirators would and did falsely advise the representatives of the financial institutions and businesses by means of the fraudulent customer service telephone numbers and the cellular telephone number that the declinations on the debit cards were in error, and would instruct the representatives to enter various authorization codes that resulted in the processing of a "forced pay" on the debit cards, overriding any previous declinations and resulting in the payment of funds to the conspirators or the obtaining of services or items by the conspirators.

6. It was further part of the conspiracy that the conspirators utilized the debit cards at various financial institutions including Envision, Peoples, BOA, CCB, SunTrust, First Credit, Mercantile, Ironstone, M&I, Fidelity, Wachovia, Hancock, Florida Bank, TBCU, Colonial, and Riverside, to fraudulently obtain, and attempt to obtain, funds based upon the fraudulent use of the debit cards.

7. It was further part of the conspiracy that the conspirators utilized the debit cards at various businesses to fraudulently obtain, and attempt to obtain, services and items based upon the fraudulent use of the debit cards.

8. It was further part of the conspiracy that the conspirators fraudulently obtained and attempted to obtain approximately \$360,000.00 from various financial institutions and businesses.

9. It was further part of the conspiracy that the conspirators would and did perform acts and make statements to hide and conceal, and cause to be hidden and concealed, the purpose of the conspiracy and the acts committed in furtherance thereof

All in violation of Title 18, United States Code, Section 1349.

## **COUNTS TWO THROUGH TWENTY-FIVE**

### **A. Introduction**

The allegations contained in paragraphs 1 through 16 of Section A of Count One of this Indictment are hereby realleged and incorporated herein by reference.

### **B. The Scheme To Defraud**

Between on or about October 12, 2007, and on or about February 8, 2008, in the Northern District of Florida, the defendants,

**HASSAN KAMAL RENCHER,  
DARYL LEE ANDERSON,  
GERALD WILLIAMS,  
and  
LUTHER RILEY,**

did knowingly and willfully execute and attempt to execute a scheme to defraud and to obtain money, funds, credits, and other property owned by and under the custody and control of federally-insured financial institutions, by means of materially false and fraudulent pretenses, representations and promises.

### **C. Manner and Means**

The allegations contained in paragraphs 1 through 9 of Section C of Count One of this Indictment are hereby re-alleged and incorporated herein by reference.



**D. Execution of the Scheme**

On or about the dates set forth in the table below, for the purpose of executing and attempting to execute the aforementioned scheme to defraud, the defendants named below did fraudulently use debit cards at the following federally-insured financial institutions to obtain and attempt to obtain the following described United States currency:

COUNT	DEFENDANT	DATE	ACTIVITY	INSTITUTION
TWO	RILEY	10/12/2007	Obtain \$5,000	Peoples, 2305 Highway 77, Panama City
THREE	RILEY	10/12/2007	Obtain \$5,000	Peoples, 1302 Ohio Avenue, Lynn Haven
FOUR	RILEY	10/12/2007	Obtain \$5,000	Peoples, 9001 Front Beach Road, Panama City
FIVE	RILEY	10/15/2007	Obtain \$5,000	Peoples, 14075 Emerald Coast Parkway, Destin
SIX	RILEY	10/15/2007	Obtain \$5,000	SunTrust, 511 W. 23 <sup>rd</sup> Street, Panama City
SEVEN	RILEY	10/16/2007	Attempt to obtain \$5,000	Peoples, 1387 Shoreline Drive, Gulf Breeze
EIGHT	RILEY	10/16/2007	Obtain \$5,000	Peoples, 110 East Garden Street, Pensacola
NINE	RILEY	10/16/2007	Obtain \$5,000	Peoples, 940 East Creighton Street, Pensacola
TEN	RILEY	10/16/2007	Obtain \$5,000	Peoples, 4952 Highway 90, Pace
ELEVEN	ANDERSON	11/24/2007	Obtain \$4,000	Envision, 5500 Thomasville Rd., Tallahassee

TWELVE	ANDERSON	11/24/2007	Attempt to obtain \$5,000	BOA, 5676 Thomasville Rd., Tallahassee
THIRTEEN	WILLIAMS	11/26/2007	Attempt to obtain \$4,800	Peoples, 107 East College Avenue, Tallahassee
FOURTEEN	ANDERSON	11/26/2007	Attempt to obtain \$4,800	Peoples, 2453 Mahan Dr., Tallahassee
FIFTEEN	RENCER	11/26/2007	Attempt to obtain \$4,800	Peoples, 2105 Capital Circle NE, Tallahassee
SIXTEEN	ANDERSON	11/26/2007	Attempt to obtain \$3,000	SunTrust, 2727 Apalachee Parkway, Tallahassee
SEVENTEEN	RENCER	11/26/2007	Obtain \$6,500	Envision, 440 N. Monroe Street, Tallahassee
EIGHTEEN	ANDERSON	11/26/2007	Attempt to obtain \$6,800	Envision, 421 Appleyard Rd., Tallahassee
NINETEEN	RENCER	11/26/2007	Obtain \$5,900	Envision, 3190 Apalachee Parkway, Tallahassee
TWENTY	RENCER	11/26/2007	Attempt to obtain \$6,800	Envision, 4400 West Tennessee Street, Tallahassee
TWENTY-ONE	WILLIAMS	11/26/2007	Attempt to obtain \$5,000	BOA, 3003 Mahan Drive, Tallahassee
TWENTY-TWO	ANDERSON	11/27/2007	Obtain \$5,000	BOA, 2627 NW 43 <sup>rd</sup> Street, Gainesville
TWENTY-THREE	WILLIAMS	11/27/2007	Attempt to obtain \$2,500	CCB, 4040 NW 16 <sup>th</sup> Boulevard, Gainesville
TWENTY-FOUR	ANDERSON	11/27/2007	Attempt to obtain \$5,000	First Credit, 412 East University Avenue, Gainesville
TWENTY-FIVE	ANDERSON	11/27/2007	Attempt to obtain \$5,000	BOA, 7100 SW Archer Road, Gainesville

In violation of Title 18, United States Code, Sections 1344 and 2.

**CRIMINAL FORFEITURE**

The allegations contained in Counts One through Twenty-Five of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(2).

From their engagement in any or all of the violations alleged in Counts One through Twenty-Five of this Indictment, the defendants,

**HASSAN KAMAL RENCHER,  
DARYL LEE ANDERSON,  
GERALD WILLIAMS,  
and  
LUTHER RILEY,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2) any and all of the defendants' right, title and interest in any property, real and personal, constituting, and derived from, proceeds traceable to such offenses.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendants:

1. cannot be located upon the exercise of due diligence;
2. has been transferred, sold to, or deposited with a third party;
3. has been placed beyond the jurisdiction of this Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

A TRUE BILL:

August 5, 2008  
DATE

Thomas F. Kirwin  
THOMAS F. KIRWIN  
Acting United States Attorney

Stephen M. Kunz  
STEPHEN M. KUNZ  
Assistant United States Attorney